

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DARYL TOEWS**, on February 10, 1999 at 3:37 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. Bill Glaser, Vice Chairman (R)
Sen. Jon Ellingson (D)
Sen. Alvin Ellis (R)
Sen. John Hertel (R)
Sen. Bob Keenan (R)
Sen. Mike Sprague (R)
Sen. Spook Stang (D)
Sen. Jack Wells (R)

Members Excused: Sen. Debbie Shea (D)
Sen. Mignon Waterman (D)

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: SB 309 TABLED; SB 199 DPAA
SB 100 Discussion

EXECUTIVE ACTION ON SB 309

Motion: SEN. ELLIS moved that SB 309 DO PASS.

Discussion:

Eddye McClure explained Amendments SB030901.aem **EXHIBIT**(eds33a01) and Amendments SB030903.aem **EXHIBIT**(eds33a02) .

SEN. ALVIN ELLIS said he was in sympathy with what **SB 309** was trying to do in Yellowstone County; however, he didn't think the effort was very well thought out. He said parents didn't have control of kids this old and that length of time shouldn't be extended. Kids could manipulate their parents and themselves right out of the family, if that's what they wanted. Youth Court law allowed them to do that and **SB 309** wouldn't change that.

SEN. BILL GLASER said he concluded the fiscal note wasn't very accurate because on the first page there were drop-out figures for fiscal year 1997 but none for last year.

SEN. ELLIS said he talked to the administration in Yellowstone County who said some of the kids dropped out and some returned.

Substitute Motion/Vote: **SEN. ELLIS** made a substitute motion that **SB 309 BE TABLED**. Substitute motion carried 8-1 with Sen. Jon Ellingson voting no.

EXECUTIVE ACTION ON SB 199

Eddye McClure distributed Amendments SB019905.aem **EXHIBIT**(eds33a03) .

{Tape : 1; Side : A; Approx. Time Counter : 8.6}

Motion: **SEN. STANG** moved that **AMENDMENT SB019905.AEM, #4 DO PASS**.

Discussion:

SEN. MIKE SPRAGUE asked for clarification of his understanding that anyone who administered a program had to be a certified teacher. **Eddye McClure** said it could be a certified psychologist, sociologist, etc.

SEN. ALVIN ELLIS asked if "certified" meant having a teaching certificate and was told by **SEN. BARRY "SPOOK" STANG** it was his opinion it would have to be someone with certification, i.e. not the grocery man on the street, etc.

SEN. SPRAGUE said what if there was a small detention facility and there was someone at the local level (minister, businessman, etc.) who wanted to volunteer and work with the kids. Would they have to be certified? **SEN. JACK WELLS** said he interpreted it as being paid -- no money would be involved in the case of volunteers. **Madalyn Quinlan, Office of Public Instruction (OPI)**, said she was quite sure "certified" meant teachers who were certified by OPI.

SEN. SPRAGUE asked if certification could be gotten by a volunteer through service performed and **Ms. Quinlan** said it couldn't because that volunteer would have to be under the supervision of a certified personnel.

SEN. ELLIS said **SB 199** was all about requiring a youth detention facility to provide an educational program by allowing the detention center to contract with the school district. By statute, a school district had to use certified personnel to teach. This amendment was all about having a certified teacher from a school district who was contracted by the youth detention facility.

Vote: Motion carried 7-4, with **SEN. JACK WELLS, SEN. BOB KEENAN, SEN. ALVIN ELLIS AND SEN. BILL GLASER** voting NO.

{Tape : 1; Side : A; Approx. Time Counter : 13.7}

Motion: **SEN. ELLINGSON** moved that **AMENDMENTS SB019903.AEM DO PASS EXHIBIT (eds33a04)**.

Discussion:

SEN. JON ELLINSON said he was contacted by his Superintendent of County Schools and asked **Eddye McClure** to get them drafted. He really didn't know much about them.

Don Waldron, Montana Rural Education Association, said #3 was the daily rate which seemed to work better for calculation purposes. Also, they were trying to move the time up so they were dealing in the year in which the youngster was attending the detention center, rather than waiting until the following year to collect it.

SEN. DARYL TOEWS referred to Amendments SB019905.aem, #1, #2 and #3 (**Exhibit 3**) and said the detention center would not receive any pay for the first nine days the youth was there; rather, payment would begin with the 10th day. That way the fiscal note was cut down -- in-and-outers would not be paid for.

SEN. BARRY "SPOOK" STANG asked if a youth was there for 13 days, would the detention center receive payment for the full 13 days or just the four days after the nine days. **SEN. TOEWS** said it would be after the ninth day and **SEN. STANG** commented the youth could be there a week because he or she wasn't getting any educational service anyway.

SEN. ELLINGSON asked about the implications from the Department of Corrections for the nine-day period. **Madalyn Quinlin** said they supported it in order to get education to detention centers at a lower price. She said she thought the 10 days came from the provision the student was dropped from school enrollment rolls after the 10th day if he or she was absent for 10 days.

SEN. ELLIS asked if this amount was a priority to put into education over and above what was in the schedules. **Don Waldron** said he thought this would reduce the fiscal note by tenfold, which might be down to where it was worth spending that money.

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SEN. DARYL TOEWS said #3 limited the expenditure to \$100,000 and if that wasn't enough, it would be prorated.

SEN. BILL GLASER said it appeared there was not a board of trustees, which might make granting the money to someone who was not Constitutionally vested to do that. **Ms. Quinlin** said the money would be provided to the detention center to contract with the school districts; therefore, that was the body that was providing the educational services. The other part of the Constitution was there was the obligation to provide an education to all students.

SEN. SPRAGUE commented they were abiding by the Constitution by providing the education.

SEN. ALVIN ELLIS asked how Pine Hills and other state-run facilities got around that. **Eddye McClure** said Pine Hills was an accredited school under Corrections.

SEN. GLASER said he thought it was obvious they'd be given the money but they had to hire the school district.

SEN. TOEWS reiterated the standing of the amendments -- Amendments SB019903.aem (Option 2) but if the funding was limited, the third part was pretty open-ended.

Motion/Vote: **SEN. STANG** moved that **AMENDMENTS SB019905.AEM, #1,#2,#3 DO PASS. Motion carried unanimously 9-0.**

Motion/Vote: SEN. STANG moved that SB 199 DO PASS AS AMENDED.
Motion carried unanimously 9-0.

{Tape : 1; Side : A; Approx. Time Counter : 31.3}

DISCUSSION on SB 100

SEN. DARYL TOEWS said if the present **SB 100** was accepted, it raised the caps. There were schools within the 80% who could vote to stay there because of CI-75, and over time schools would become unequalized. He said he didn't know how to solve it. He referred to a diagram and said the money was put into the bottom of the base which would raise it from 43% to 49%; thus, state shares would actually be increasing. However, many schools would be unhappy because the 100% stayed the same place. He said contingency language could be added which would be if CI-75 was declared unconstitutional, **SB 100** would return to its original form, which would move the cap up -- it would be permissive. Also, the basic entitlement of \$3,600 would be kept.

SEN. HERTEL said the cap didn't move and **SEN. TOEWS** said it wouldn't if the numbers were pushed from the bottom.

SEN. ALVIN ELLIS suggested it was a political situation as to which would rather be done -- deal with the ground swell of outrage which would come from the capped school districts who found out they're still capped and losing enrollment, or leave **SB 100** the way it was and let the school districts deal with the Constitutional requirements they had to fund the base budget, i.e. if the mill levy didn't pass, from where would they get the money. He felt the House could deal with CI-75 differently if it was ratified before this was done.

SEN. STANG commented regardless of CI-75, if money was not put into the base some school districts at the bottom would have to vote levies to equalize unless money was put into the lower 40%. He reminded the Committee districts were promised if, within five years, they brought their schools up to the 80% level with their local taxes they wouldn't have to do that again. He reiterated he'd like to see something put into the base, even if it might not be enough to fill it. **SEN. STANG** commented those who worked on equalization wanted it to stay that way; it was unfortunate it was allowed to get so far behind that money now had to be used to fill that hole.

SEN. ELLIS said if they would pass **SB 100** and put enough into the base so districts didn't have to come up with any money to match **SB 100**, the price tag would be a little over \$11 million (local

responsibility of every school district to match **SB 100**).
However, perhaps not every school district would do it -- that
would be their decision.

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What would happen if they chose not to fund it -- would they be
forced out of equalization and would they have to look to other
budgeting authority to make that up?

SEN. GLASER said 70% of the elementary students were above the
90%, while in the high school 60% of the students were below the
90%.

SEN. DARYL TOEWS asked if OPI could find out how much money the
state would have to add to the base amount if **SB 100** stayed in
its present form. **Jim Standards, Office of Public Instruction,**
said he thought he could.

SEN. STANG commented he would like numbers for no districts
raising taxes to get to the 80% level. **Mr. Standards** said he
could do it that way also.

SEN. STANG asked for the numbers to be based on both \$30 million
and \$36 million.

SEN. TOEWS also suggested **Mr. Standards** try the numbers with \$6
million in the base.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. DARYL TOEWS, Chairman

JANICE SOFT, Secretary

DT/JS

EXHIBIT (eds33aad)